

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                                   |   |            |
|-----------------------------------|---|------------|
| IN THE MATTER OF                  | ) | 8:06CV580  |
|                                   | ) |            |
| APARTMENTS AT TIMBER RIDGE, L.P., | ) | BK05-82135 |
| a/k/a Tiber Ridge Apartments,     | ) |            |
|                                   | ) | ORDER      |
| Debtor.                           | ) |            |

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|                  |   |            |
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| IN THE MATTER OF | ) | 8:06CV582  |
|                  | ) |            |
| ARBORS SS, L.P.  | ) | BK04-83569 |
|                  | ) |            |
| Debtor.          | ) | ORDER      |

This matter is before the court following a suggestion in bankruptcy filed March 14, 2007. Filing No. 40, 8:06CV580; Filing No. 37, 8:06CV582. On September 8, 2006, Judge Timothy Mahoney, Chief Judge of the Bankruptcy Court for the District of Nebraska, filed a report and recommendation asking this court to find Mr. Richard Wagner in contempt of court. This court found Mr. Wagner in contempt on December 29, 2006. On March 12, 2007, this court signed an order awarding attorney fees and dismissed the case. Counsel for Lehman Housing notified the court that Richard Wagner filed a Chapter 7 bankruptcy in the United States Bankruptcy Court, Northern District of Texas, and indicated that such filing occurred prior to the court's order on attorney fees. It appears that Mr. Wagner filed bankruptcy on February 27, 2007. As a result, the court will submit this case to the Honorable Timothy Mahoney, United States Bankruptcy Court for the District of Nebraska, for a report and recommendation as to what effect, if any, the Texas bankruptcy has on the orders or attorney fees filed in these two cases.

Upon the Suggestions in Bankruptcy, IT IS ORDERED:

1. Pursuant to NEGenR 1.5(a)(1) and 28 U.S.C. § 157, this case is referred to the United States Bankruptcy Court for the District of Nebraska.

2. This case shall be terminated for statistical purposes by the Clerk of the Court for the District of Nebraska.

3. The Clerk of the Court for the District of Nebraska shall deliver the court file to the Clerk of the Bankruptcy Court for the District of Nebraska.

DATED this 15<sup>th</sup> day of March, 2007.

BY THE COURT:

s/Joseph F. Bataillon  
Chief Judge